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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/664,036  | 09/17/2003  | Shinichi Handa       | 123776              | 2578             |
| 25944   | 7590        | 03/20/2009           | EXAMINER            |                  |
| OLIFF & BERRIDGE, PLC<br>P.O. BOX 320850<br>ALEXANDRIA, VA 22320-4850 |             |                      |                     | ROY, SIKHA       |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2879  |             |                      |                     |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 03/20/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/664,036             | HANDA ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sikha Roy              | 2879                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 December 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 7 and 9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 7 and 9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 December 2008 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

The Response, filed on December 4, 2008 has been entered and acknowledged by the Examiner.

The new Drawing of fig. 9 has been entered.

Claims 7 and 9 are pending in the instant application.

### *Drawings*

The drawing of Fig. 9 is objected under 37 CFR 1.83(a) because they fail to show 'the insulating layer having pattern completely negative to the shape of the characters to be displayed' as described in the specification. It is not clear from Fig. 9 how the patterned insulating layer 9 having pattern 'ABC' whose shape is completely negative (opposite) of the characters 'ABC' to be displayed'. It appears that the insulating layer has the pattern 'ABC' on it and it is the same as it is displayed. Furthermore it needs to be clarified whether the shadowed part 'ABC' shown on top of the layer 9 is the pattern with area of light emitting or the negative of the pattern.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-229146 to Yashiro (of record), and further in view of USPN 5,902,688 to Antoniadis et al.

Regarding claim 9 Yashiro discloses (Figs. 1, 3,6 English translation para [0035][0045] – [0048], [0050]) a pattern display apparatus (game stand of a slot machine) comprising a stationary display member 440 (acrylic plate of the front face of rotation reel) and a flexible EL lamp 451 located on the outer surface of the stationary display member. Yashiro discloses the EL emitter comprises a laminated structure comprising layers ordered in sequence of base layer 310, a first electrode 320, an EL layer 330, an insulating layer 340, a second electrode layer 350 and a flexible polyester film layer 360 sealing the device. Yashiro discloses (Fig. 1 ) the EL emitter formed of organic electroluminescent material (para [0105]) displays emission pattern 120 at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure, a second mark formed in the front panel.

Yashiro is silent regarding the insulating layer has a pattern completely negative (opposite) to the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure, a second mark.

Antoniadis in same field of organic EL displays discloses (Fig. 2) a pattern display apparatus comprising an organic electroluminescent device, the OEL being capable of displaying at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a

second mark, wherein the OEL device comprises a laminated structure comprising layers ordered in the sequence of a base layer 113, first electrode layer (111), an OEL layer (109,110), patterned insulating layer 117 and a second electrode (105). Antoniadis discloses that the insulating layer 117 has a pattern whose shape is completely opposite the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark (column 8, lines 42-51). Antoniadis teaches (col. 6 lines 5-45) this configuration permits current to pass through EL materials and generate light in some areas (115) and inhibits local generation of light in some other areas (117) and thus lighted pattern can be displayed.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the insulation layer between the light emitting layer and the second electrode of Yashiro having a pattern whose shape is completely opposite the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark as taught by Antoniadis for permitting current to pass through EL materials and generate light in some areas and inhibit local generation of light in some other areas and thus displaying lighted pattern.

Regarding claim 7, the claim limitation of the stationary display member being used in a point of purchase advertisement is a statement of intended use and does not differentiate the claimed apparatus of the combined references above, which satisfies the claimed structural limitations.

***Response to Arguments***

Applicant's arguments filed December 4, 2008 have been fully considered but they are not persuasive.

In response to applicant's allegation (Remarks page 5, third paragraph) 'the insulating layer in Yashiro is essential for luminance because it functions as capacitor' the Examiner respectfully disagrees. The Examiner notes that Yashiro does not disclose this (insulating layer is an essential feature for providing luminescence) in paragraphs [0041], [0058] –[0060] as noted by the Applicant. Here the Examiner is considering the machine English translation of JP 2000-229146 to Yashiro and notes that if the applicant found such disclosure in official translation, the applicant is requested to provide the copy for consideration. Furthermore the Examiner notes that although the specification discloses (para [0051]) the insulating layer is not essential but it does not clarify how without the insulating layer a pattern can be displayed. The applicant discloses in para [0014] the insulating layer defines a light-emitting region of a predetermined pattern. Antoniadis teaches the same.

The Applicant argues that neither Yashiro nor Antoniadis provides any reason or rationale to provide required insulating layer in a pattern form. The Examiner disagrees. Antoniadis teaches (col. 6 lines 5-45) this configuration of insulating layer having negative pattern permits current to pass through EL materials and generate light in some areas (115) and inhibits local generation of light in some other areas (117) and thus lighted pattern can be displayed. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the insulation layer between the

light emitting layer and the second electrode of Yashiro having a pattern whose shape is completely opposite the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark as taught by Antoniadis for permitting current to pass through EL materials and generate light in some areas and inhibit local generation of light in some other areas and thus displaying lighted pattern.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sikha Roy whose telephone number is (571) 272-2463. The examiner can normally be reached on Monday-Friday 8:00 a.m. – 4:30 p.m.

Art Unit: 2879

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sikha Roy/  
Primary Examiner, Art Unit 2879